

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

DIANA MEY

Plaintiff

v.

PATRIOT PAYMENT GROUP, LLC

Defendant

Civil Action No. 5:15-CV-00027-JPB

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Level 3 Communications, LLC, 1025 Eldorado Boulevard, Broomfield, CO, 80021
c/o CT Corporation System, 5400 D Big Tyler Rd., Charleston, WV 25313*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Directly to the undersigned or
Level 3 Communications, Inc., 1025 Eldorado Blvd.,
Broomfield, CO 80021

Date and Time:

06/19/2015 1:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/05/2015

CLERK OF COURT

OR

Jonathan R. Marshall

*Signature of Clerk or Deputy Clerk**Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*

Plaintiff Jonathan R. Marshall (WVSB#10580), Bailey & Glasser LLP, 209 Capitol Street, Charleston, WV 25301
jmarshall@baileyglasser.com, 304-345-6555

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

SCHEDULE A

INSTRUCTIONS

1. You are required to search not only for hard copy documents, but for electronically generated, maintained or stored information, including data that exist on your computer's hard drive, on computer servers to which you have access, in email accounts, in text messaging accounts, and all other places in which responsive electronic data may be stored.

2. Where possible, all electronically generated, maintained or stored information should be produced in its native format and in a format compatible to litigation-support databases and review systems. Where possible, such documents should contain searchable text and searchable metadata in a load file format.

3. Should you refuse, in whole or in part, to produce documents responsive hereto in reliance on a claim of privilege, please state:

- a. The name of the sender(s) of the document;
- b. The name of the author(s) of the document;
- c. The name of the person(s) to whom copies were sent or otherwise made available;
- d. The job title of every person named in (a), (b) and (c) above;
- e. The date of the document;
- f. The date on which the document was received by each addressee or other recipient;
- g. A brief description of the nature and subject matter of the document;
- h. The statute, rule or decision which is claimed to give rise to the privilege; and
- i. The detailed factual basis for the claim of privilege.

DEFINITIONS

1. When used in these Requests, “Level 3”, “you”, “your” (or synonyms thereof) means Level 3 Communications, LLC, 1025 Eldorado Boulevard, Broomfield, Colorado 80021, c/o its registered agent, CT Corporation System, 5400 D. Big Tyler Rd., Charleston, WV, 25313, including any subsidiaries or affiliated enterprises, and its officers, directors and employees.

DOCUMENTS TO BE PRODUCED

Request No. 1: Please provide all documents, which identify what entity or entities was/were billed for the use of (469) 209-7667 in January of 2015. In your response, please include the entity’s name, physical address, e-mail address and telephone number.

Request No. 2: Please provide all documents, which identify what entity or entities was/were billed for the use of (469) 208-6934 in January and February of 2015. In your response, please include the entity’s name, physical address, e-mail address and telephone number.

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PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*I received this subpoena for *(name of individual and title, if any)* _____on *(date)* _____☒ I served the subpoena by delivering a copy to the named person as follows: _____*TERRY SOAMES, CT CORPORATION*on *(date)* _____

; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: *6-9-15**[Signature]*

Server's signature

Michael E Kessinger, Admin. Support

Printed name and title

206 CAPITOL E CHAPLSON WV

Server's address

Additional information regarding attempted service, etc.: _____